

**WAYS AND MEANS
COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, **August 4, 2005.**

MEMBERS PRESENT:

Legislator Peter O'Leary • Chairman
Legislator John Kennedy • Vice•Chairman
Legislator Daniel Losquadro
Legislator Ricardo Montano
Legislator Elie Mystal

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature
Jim Spero • Director, Budget Review Office
Charles Gardner • Director of Consumer Affairs
Sandy Sullivan • Clerk's Office
Ben Zwirn • County Executive's Office
Bill Faulk • Aide to Presiding Officer
Warren Greene • Aide to Legislator Alden
Ed Hogan • Aide to Legislator Nowick
Frank Tassone • Aide to Majority Leader O'Leary
Pat Zielenski • Real Estate Division
Lynne Bizzarro • County Attorney
George Gatta • Suffolk County Community College
Richard LaValle • Deputy Commissioner DPW
Chief Moore • Suffolk County Police Department
All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

[THE MEETING WAS CALLED TO ORDER AT 9:42 A.M.]

CHAIRMAN O'LEARY:

Okay. Good morning, all. If I could have your attention, I'll call the meeting to order. We'll begin the meeting with the Salute to the Flag, Pledge of Allegiance, led by Legislator Montano.

(Salutation)

Please, remain standing for a moment of silence. We've been reminded this morning of the sacrifices being made by our American men and women in the military, and it hit home this morning with the announcement that James _McNaughton_ •• an NYPD Officer was the first officer, active officer, who was killed in Iraq defending our freedoms and our American way of life. For Officer _McNaughton_ and for all of those who have given the ultimate sacrifice, I offer this moment of silence.

(MOMENT OF SILENCE)

CHAIRMAN O'LEARY:

We do have a public hearing scheduled this morning on IR 1726. Madam Clerk, are all the affidavits of publication in order?

MS. SULLIVAN:

Affidavits are in proper order.

CHAIRMAN O'LEARY:

Is there anyone here to speak on public hearing portion Resolution **1726, a Local Law to**

expand and clarify the Anti•Nepotism provisions of the Suffolk County Code? Hearing none, I'll make a motion to close the hearing, seconded by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstain •• abstentions? 1726, the six public hearing is **CLOSED**.

I have three cards on the public portion. Richard LaValle, a new grandfather as has been well publicized throughout the County. Congratulations to Deputy Commissioner LaValle.

DEPUTY COMMISSIONER LAVALLE:

Thank you.

CHAIRMAN O'LEARY:

How many grandchildren is that, Rich?

DEPUTY COMMISSIONER LAVALLE:

Six.

CHAIRMAN O'LEARY:

Six? You got me by three.

DEPUTY COMMISSIONER LAVALLE:

We're working hard to stay ahead of you. Except I still have a few that are going to have to produce.

CHAIRMAN O'LEARY:

All right. Let's get down to reality. You have three minutes.

DEPUTY COMMISSIONER LAVALLE:

Once again, I appear before you reiterating our previous request that the Legislature adopt Intro Resolution 2085 of '04. This resolution, which expires August 15th of this year, amends the Suffolk County Charter transferring the print shop from Civil Service to Public Works. The adoption of this resolution, which was originally laid on the table in November of 2004, will formally transfer the print shop and make it consistent with the 2005 Operating Budget. The 2005 Operating Budget, which was adopted by the Legislature, transferred the funding for the operation of the print shop from Civil Service to Public Works. As such, as of January 1st of this

year, the print shop has been administered by the department. All facets of the print shop have been absorbed into the Public Works administrative structure.

The fact that the print shop is physically located in our building, has for six years prior to this, 1994 to 1999, been part of Public Works, is an operational type unit which fits in and is consistent with many of the divisions of Public Works and can be administered more efficiently by the department. The transition of print shop to Public Works has been seamless. We therefore request, once again, your support of this resolution to formalize the transfer of the print shop, which we believe is in the best interest of the employees in the print area, as well as the best interest of the County of Suffolk. Thank you.

CHAIRMAN O'LEARY:

Okay. And thank you. Just one question, and I'm sure you've been asked this previously. To the best of your knowledge, has the Charter Law been changed authorizing this particular transfer?

DEPUTY COMMISSIONER LAVALLE:

No.

CHAIRMAN O'LEARY:

Okay. And that therein lies the crux of the problem?

DEPUTY COMMISSIONER LAVALLE:

That's correct. The funding was approved by the Legislature for the operation of the print shop, and as of January 1st of this year transferred to Public Works. So we are administering them with the funding available.

CHAIRMAN O'LEARY:

And am doing so without authorization through the Charter Law to do so.

DEPUTY COMMISSIONER LAVALLE:

Well, it's either that or they're not paid or you get rid of the people in the print shop. The funding is in Public Works. We have to •• we have to maintain the operation, unless the Legislature transfers the funding back to Civil Service.

CHAIRMAN O'LEARY:

All right. Legislator Montano, you want to say something?

LEG. MONTANO:

Yeah. Just with respect to the Charter Law, is there a corresponding resolution introduced to change the Charter so that you can accommodate ••

MS. SULLIVAN:

Legislator Montano.

LEG. MONTANO:

I'm sorry. Good morning. Can you hear me better? Yeah. With respect to what Legislator O'Leary just said, is there a corresponding Charter Law amendment in there so that we can ••

DEPUTY COMMISSIONER LAVALLE:

That's what this resolution will do, is to amend the Charter to provide for the transfer.

LEG. MONTANO:

Oh, so this is the amendment •• this is the resolution that amends the Charter so you can continue doing what you're doing?

DEPUTY COMMISSIONER LAVALLE:

That's correct.

LEG. MONTANO:

Okay.

CHAIRMAN O'LEARY:

Yeah. I think it was more of the case of putting the cart before the horse. The transfers were put into effect before the Charter Law was changed.

DEPUTY COMMISSIONER LAVALLE:

Well, remember that this resolution was introduced in November of last year, prior to the

change in the New Year when the funding came into effect. So if the Legislature had acted on this promptly, this wouldn't be an issue now. And it hasn't been an issue in previous years. I think if you go back and look at the transfers of this department, it wasn't unusual for the Charter Law to be subsequent to the funding for the operation of the unit. And it never was an issue in the past, and it shouldn't really be an issue at this time.

CHAIRMAN O'LEARY:

Okay. Thank you, Rich.

DEPUTY COMMISSIONER LAVALLE:

Thank you.

LEG. O'LEARY:

Mr. George Gatta from Suffolk County Community College to speak on 1778, IR 1778.

MR. GATTA:

God morning, and thank you for the opportunity to speak in support of IR 1778 as amended. The bill would •• obviously, we're •• the College Administration, and I'm here on behalf of Dr. Pippins, President of the College, who's very supportive of the bill. We feel it addresses a number of issues, some of which are longstanding, and others of which continue to be problems for the College.

In the first instance, there are several provisions that would treat College exempt employees, and there are approximately 21 College exempt employees, in the same manner in which the other hundreds of County exempt employees would be treated pursuant to the legislation. We think that's just an equity issue, and it's a fairness issue.

Secondly, it would help us attract and retain the highly skilled experienced and educated senior level administrators that we are seeking to bring into the College, and let me give you one example of how that's impacted the College over the past several years. Three of the exempt positions in the College are Campus Deans for the Grant Campus in Brentwood, Ammerman in Selden, and the Eastern Campus just outside of Downtown Riverhead. Over the past three years, we've tried to hire, bring in Campus Deans, we've conducted national searches, we've gone through interviewing processes, and when we get to the point where the College offers a

compensation package to the preferred candidate, in many, many, many instances, those candidates decline the positions.

Two years ago, we essentially twisted the arm of two existing College administrators to take on the role of campus Dean on an interim basis, and during that period of time, we conducted those searches. The net result of the searches over the past year were that we were able to attract one highly qualified individual from outside the area, he's coming from Baltimore Community College, and he will be the Dean of the Grant Campus in Brentwood. However, the other two positions at Ammerman and at the Riverhead Campus, we were not able to attract anyone to take those positions. And we've pressed into service some existing •• one of our Associate Vice Presidents, Bill Connors, to act as Dean on an interim basis for one year at Ammerman. And Phil Christiansen another Associate Vice President for Curriculum and Instruction to serve for the Eastern Campus.

The bill as proposed would establish steps, which would be a critical component when you're trying to attract someone into the College. We're competing against colleges across the country for these administrators. And when you tell an individual that there is no progression, or there is no schedule for increasing your compensation, and that, you know, if your doing an exceptional job, at some point, we would •• we would have to go to the County Executive and the Presiding Officer and convince both that we needed a step increase for this individual, in almost all instances, those highly educated and qualified individuals will not accept the positions on those terms. So we think the inclusion of steps into the exempt compensation package is one that's justified.

In a conversation I had with a number of Legislators over the past few weeks, one of them indicated that exempt employees serve at the pleasure of, and I thought that was an excellent reason why the inclusion of steps was an important element of this legislation. Your exempt employees, College exempt employees all serve at the pleasure of the appointing authority. Every day they're on the firing line, every day they're accountable, and every day they must meet your expectations and do the job that you've hired them to do as a professional. While some would characterize them as bureaucrats, I've been in this system too long to characterize any hard working professional as a bureaucrat. I know what it takes to run organizations, and I know what it takes to be successful.

With those individuals on the firing line every day and accountable to you and other appointing

authorities, we think it's only fair that if they're doing their job, they're doing it 110 and 120% and you're satisfied with them, that they should have the same benefits that the collecting bargaining units in the County have, whether it's White Collar, Blue Collar, in the College whether it's the Faculty Association of the Guild, we think it's an equity issue, and we're highly supportive of that.

One final note. There's been some discussion regarding the adjustments that were made to the exempt salaries at the College last year. I think it's a fair question. However, I need to take a minute to explain why that happened and how it was long overdue. In 2000, before some of the current Legislators that I see before me were in office, the County, County wide went through a series of salary adjustments. It started with the County Executive and the members of the Legislature, and the County-wide elected officials; the Sheriff, the Treasurer, District Attorney and the Clerk. From there, shortly after the fall of 1999 and into beginning of 2000, the County Executive and the Presiding Officer, working with the other elected officials began a series of salary adjustments for all, if •• most, if not all of the exempt employees in the County.

I can't characterize it as 100%, but I know there were hundreds of salaries that were adjusted at that time in the District Attorney's Office, in the County Attorney's Office, in the Board of Elections, in the Exec •• all the Executive Branches and the Legislative Branch. However, at that time, the College was excluded from those adjustments, and there was a disparity from 2000 through last year when the Legislature as the policy making body of the County, finally addressed that issue and made those judgments. Practically speaking, the individuals that were in those positions at the College did not receive an equitable treatment during those four years, and we thank the Legislature for your leadership on that last year.

So when I speak in support of the amended bill, we're really asking just to be treated in the same manner in which the other exempts will be treated at the County. We feel that the retroactive for 2004 is fair in view of the fact that many of the exempts did not receive any adjustments, didn't receive any adjustments at the College from 2000 to 2004. And in the past, all of the percentage increases that reflect the AME settlement, which had been granted to exempt employees always began at the College on the first of the year, and we see no reason why we should be penalized and held hostage from January 1st until September 1st for those to kick in.

So, Legislator O'Leary, we thank you for your leadership. We thank the other members of the Legislature that have expressed support for your amended bill. And with that, I'd be pleased to respond to any questions that the committee may have.

CHAIRMAN O'LEARY:

I have a couple, George. Two points I wanted for you to further amplify on, and one is in your opinion, the reason why the College exempts, were not afforded the same equitable raises that other exempts got from the Year 2000, was it by design on the part of the County or was it on the part of the College administration itself that didn't seek those raises?

MR. GATTA:

I think it was a combination of the two, and I sit before you somewhat embarrassed having been a senior level administrator in the prior administration. I can't completely wash my hands of it. It was not an area that I dealt with. I didn't deal with Labor Relations, I didn't deal with the College on a day•to•day basis, so it wasn't my area of responsibility. But having been there and know •• know what went on behind the scenes, there wasn't a forceful President at the College pushing for this in a concerted way. There wasn't, in my opinion, the best of relations between some of the senior management at the College and the Legislature, and so that didn't •• that didn't engender trust, it didn't build confidence. And the Executive Office at the time was not pushing for anything at the College because of some strained relations. So I think we'll have to leave it at that, but those were the reasons.

CHAIRMAN O'LEARY:

And as you are well aware of, in my initial resolution, I pretty much mirrored the County Executive's proposed resolution on exempts. And I was surprised when •• because I was just waiting to see the language of that •• when he created a September 1st effective date for raises for College officials. Can you explain that, why he was of the mindset to do that and not revert back to •• prior to 2000 when they did the January 1st payroll effective dates rather than the September 1st that he put into his resolution?

MR. GATTA:

Well, I •• you know, I don't know what the exact reason was, and I wouldn't presume to know his intent, but I •• you will recall that the Legislature needed to override the Executive last year to grant those adjustments to the College. So from that, you know, it's our •• it's our view that

the County Executive was opposed to those adjustments. I think, secondly, philosophically, they viewed them as raises, and we viewed them as equity and adjustments and four years late. And so •• I believe their view is, well, they got their raises last year, why are they looking for them, why are they looking for retroactive pay, and why are they looking for anything prior to September 1st.

CHAIRMAN O'LEARY:

But correct me if I'm wrong, and I just want to be clear on this issue, because it's rather important. The fiscal year for the College begins September 1st, does it not?

MR. GATTA:

It does, that's correct.

CHAIRMAN O'LEARY:

And the •• when that equity issue was addressed by the Legislature, the effective date of those raises were, in fact, September 1st, they were not January 1st, correct?

MR. GATTA:

The only thing I would disagree is the characterization of the word raises. Yes, adjustments. The effective date was September 1st, because it was done as part of last year's budget, which takes effect September 1st.

CHAIRMAN O'LEARY:

All right. I know you would disagree with the characterization of it being raises, but there were raises, were there not, substantial?

MR. GATTA:

There were increases in salaries, which were four years late.

CHAIRMAN O'LEARY:

Just to go on on this point, and I think it's important to have this on the record, George, those equity adjustments, as you call them, were in some cases very substantial.

MR. GATTA:

For certain administrators, they were. They were, yes, they were. And let me •• if I could just expand on that one point for a second. One of the individuals that was vying for a position as a Campus Dean was an internal administrator at the College and was acting as an interim Dean and would have stayed, and I think this puts an exclamation point on this topic, recently left the College to go to Queens Borough Community College and received a raise, I believe, in excess of \$25,000 to leave Suffolk County Community College to go to Queens Borough Community College.

So while the raises for certain individuals were significant, my view is that those positions were highly underpaid and needed those adjustments to retain those individuals in those positions.

LEG. O'LEARY:

All right. And correct me if I'm wrong, did not those adjustments bring them up to a level with their counterparts in other community colleges throughout the metropolitan area?

MR. GATTA:

That's correct, close to, yes.

CHAIRMAN O'LEARY:

But not exceeding, it just ••

MR. GATTA:

No exceeding, no. In many instances they are still lower. And I think one of the points I just made was that one senior level administrator just left to go to Queens Borough and got a significant raise above what they were making at Suffolk Community College. So the competition for educational •• high level, senior level, educational administrators is intense, hence, our inability recently to attract Campus Deans and some other positions.

CHAIRMAN O'LEARY:

And my final question, you had stated in your remarks that there was approximately 21 exempt ••

MR. GATTA:

Yes.

CHAIRMAN O'LEARY:

College officials? Of those 21, do you know how many are •• would still be in step if this resolution was advanced or •• and how many are at the top step?

MR. GATTA:

I can get that information back to you today. I don't have it in front of me. I know a number • a number of them are at top step. I don't want to guess and give you the wrong information.

CHAIRMAN O'LEARY:

All right. But that's important to me as well. Or those who are already at top step, they would only about receiving percentage increases.

MR. GATTA:

That's correct.

CHAIRMAN O'LEARY:

I'm looking for BRO to do an analysis of that as to just how many are at top step and how many are in step. So if you can provide that ••

MR. GATTA:

I'll get you the exact number.

CHAIRMAN O'LEARY:

Many are at top step?

MR. GATTA:

Yes.

CHAIRMAN O'LEARY:

Okay. All right. Thank you. Any questions of the committee?

LEG. KENNEDY:

George, I just want to go over •• we did have a conversation about this, and in particular, we talked about the start date on the lump sum retroactivity piece, and I think you were able to go

ahead and get a look at what the cost differential would be were it take go into effect as it is now September, or it was rolled back to January 1.

MR. GATTA:

That's correct.

LEG. KENNEDY:

Do you recall what the cost piece that we discussed?

MR. GATTA:

Yes. For 2004, with 21 exempts, you're looking at \$1925 I believe it is per exempt, you're looking at roughly \$40,000 in that range for the lump sum retro for '04. And the differentiation •• the difference between starting January 1 and September 1 is about an additional \$40,000 for the College, so the net result would be about \$80,000.

LEG. KENNEDY:

About \$80,000 would be the difference?

MR. GATTA:

Yes. Over the two year period.

LEG. KENNEDY:

Okay. Thank you.

CHAIRMAN O'LEARY:

Any other questions from the committee? Thank you very much, George.

MR. GATTA:

Thank you.

CHAIRMAN O'LEARY:

I see Mr. Tempera standing, he'll have to wait until we have his card. We have one more card Mr. Tempera, and I'm sure you're anxious to come up here and to give the view points and positions of the administration.

MR. TEMPERA:

Only for clarity.

CHAIRMAN O'LEARY:

Third and final card I have is Kevin Peterman for the Faculty Association, and, Kevin, you're here to speak on 1778 as well.

MR. PETERMAN:

That's correct. I'm here as a labor leader. And I just want to say a few points. I think George articulated the situation at Suffolk. But I feel that all employees, not only County employees, but all employees should be treated fairly. And I don't understand why we have to categorize people that are at top levels as some editorials do as political hacks and what have you. I mean of all the dealings I have with people in the County, I have never come across a quote, unquote, political hack. I don't know where that comes from.

But specifically I just want to pick up on what George was talking about. We really do have a problem getting senior level administrators at the College, and George articulated that. But we have some of our faculty members and some of our guild members serve on the Search Committees for those positions. And the candidates ask specific questions. And we have to tell them, well, here's a job, here's a salary, we don't know when you'll get a raise again and you serve at the pleasure of the President, and you can be fired tomorrow. And you're bringing someone in from out of state that's probably going to move a family, and that's not the best way to try and attract someone.

And it does affect us in our hiring when we're hiring faculty members. A lot of people, you know, are looking down the road. They want to look at the structure of the College, they want to look at what's there if they want to move up, and we have •• a lot of our administrators especially in the guild have come from the Faculty Association; instructors or professors. And when they come to the institution and they look at the structure, there's really a disincentive to try and take a leadership role. And that's not something that an academic institution should be saddled with.

I just think it's a positive recruitment tool for every level of the College to show that everyone at the College is treated fairly and that there is some compensation for someone taking on a

true, you know, leadership position. Won of the other problems, it's not just the other colleges that we compete with, I mean, if you look at some of the school districts salaries for some of the administrators that run a district, I mean, we have a County•wide College with three campuses, 22,000 plus students, and our salaries are not competitive even with K•12 situations.

So not only are we competing with other colleges, but we're competing with the local districts too. And I just think it's an issue that we have to address. And I certainly appreciate the fact that you put this bill forward, and I'm hoping that we can move it through. Thank you.

CHAIRMAN O'LEARY:

Is it true, Kevin, that in the past there have been administrators who have left the administrative ranks and gone back to teaching because of a compensation issue, and those who were reluctant to even advance to administrative rank because they would be compensated less?

MR. PETERMAN:

That's correct. There are several people who say it's not worth it, I just can't do it. I mean, in some cases, they actually take a pay cut.

CHAIRMAN O'LEARY:

Yeah. Well, that's similar throughout the entire County. That's just not just endemic to the College, that's the entire County situation.

MR. PETERMAN:

Just doesn't seem like good management to me. I appreciate your time.

CHAIRMAN O'LEARY:

Any questions? Kevin, thank you very much, Kevin.

MR. PETERMAN:

Thank you.

CHAIRMAN O'LEARY:

Mr. Tempera, even though you haven't filled out a card, I am acknowledging your presence.

MR. TEMPERA:

Well, I'm old school, I usually come up when the resolution comes before the Legislature.

CHAIRMAN O'LEARY:

Well, we're new school now, we're addressing the issues before we address them as a committee.

MR. TEMPERA:

You've never been new school.

CHAIRMAN O'LEARY:

You're right. Thank you for that compliment.

MR. TEMPERA:

Good morning. Just a couple of comments, some things I can clarify for you.

I disagree with Mr. Gatta on a couple of points. First and foremost, in 2000, there were not hundreds of upgrades to management titles, there were a few upgrades that were made within the County Exec's Office, a couple of department heads. The D.A.'s salary structure did change, but that was through a salary resolution to change the salaries within the D.A.'s office. So, I would be hard•pressed to tell you that there were hundreds of titles, I'd say there were a handful.

CHAIRMAN O'LEARY:

How many •• how many ADA's are there?

MR. TEMPERA:

Well, I think the ADA's, and I agree with you, there were a restructuring of the District Attorney's Office salary structure ••

CHAIRMAN O'LEARY:

Well, just to be more ••

MR. TEMPERA:

But I don't think that's an upgrade of the graded position.

CHAIRMAN O'LEARY:

Well, if you have in excess of 100 ADA's and they were upgraded, wouldn't Mr. Gatta's statements of hundreds ••

MR. TEMPERA:

Well, I don't equate the College personnel to the ADA's. The College ••

CHAIRMAN O'LEARY:

And I think we're talking •• I think we're talking primarily exempts, and the ADA's in the District Attorney's Office are as exempt as the College administrative officials.

MR. TEMPERA:

As is the County Attorney's Office, the Board of Elections, and everything else.

CHAIRMAN O'LEARY:

So, when there's an upgrade of in excess of 100 ADA's, his statement is somewhat accurate; is it not?

MR. TEMPERA:

Why don't we just leave it, I'll respectfully disagree.

CHAIRMAN O'LEARY:

Okay, all right.

MR. TEMPERA:

I think a department head is different than an ADA, but ••

CHAIRMAN O'LEARY:

I don't want to •• let's not banter about that. It's only semantics. But the root of the issue here, as far as I'm concerned, is the step increase, reinstituting step increases for exempt employees and ••

MR. TEMPERA:

Well, I •• again, let me •• there were a couple of questions that were brought up by Mr. Gatta and I'll address. You asked him about the September 1st date and where did that come from, and I don't think George could answer that question. I'll address it for you. The Legislature, through ••

CHAIRMAN O'LEARY:

You're volunteering, because I'm not asking you to do this.

MR. TEMPERA:

Well, you asked the question and you didn't get an answer, so ••

CHAIRMAN O'LEARY:

I asked the question of Mr. Gatta.

MR. TEMPERA:

I just •• clarity of the record, as I had said before.

CHAIRMAN O'LEARY:

I understand, Jeff. The Legislature, through Resolution 764 of 2004 upgraded a •• all the management titles at the College, gave them substantial raises, some in excess of \$20,000. The resolution and the wording of the resolution in the sixth RESOLVED clause, "RESOLVED, that the 2004 adopted salaries for various management employees at Suffolk Community College shall be paid based upon the grades, steps included in Appendix A." In addition, Resolution 764 of '04 amended the 2004/2005 College budget to reflect these increased salaries.

When the management resolution was drawn up through the County Exec's Office, it recognized that the management employees at the College, through Legislative Resolution 764, had already received salary increases for 2004 through August 31st, which is the College budget. September 1st started a new College year. From a reading of 764, that's what the Legislature included salary increases for. So, a 3% increase, the same as the 3% that's included in the management package, was afforded to the College personnel. In addition, they were put back on schedule January 1, 2006. The College personnel would receive another 3% increase, and

then another 3% increase in '07 and '08, on January of each of those years.

So, there was just a transition period, so there was no double•dipping, to use a term, with regards to the College personnel. They had already received raises through 764 for '04 through August 31st '05. And, really, that's the big difference that I see between what the County Executive proposed with regards to the College and what's in your resolution, Legislator O'Leary.

George talked about recruitment of personnel. I don't think anything you're looking at in a difference between your bill and the County Exec's bill in treating the College does anything differently in terms of recruiting personnel at the College. It's all about retroactivity. It's all about raises that they received already and they're asking for more money on top of the raises they received already. That's not going to recruit personnel. Personnel would be recruited no differently under the Exec's resolution, where they received an increase of 3% on September 1st of this year, rather than on July •• rather than on January 1st, as is included in your bill, and the 1925 off rate. That's retroactivity to current personnel.

In terms of recruiting personnel in the future, the Legislature and the County Exec have a longstanding process that dates back to the days of the Board of Supervisors, I believe, and it's called in•step hiring. If there's a recruitment problem at the College, there is a salary scale that goes from Step 4 through Step 11. You can hire anyone in step between the different salary grades •• between the different salary steps, if there is a problem in recruiting. So, the argument that's been put forward today that this would aid in recruitment, really, in my mind, isn't addressed by what's been included here. The Legislature addressed it last year when they gave substantial increases and upgrades to the College personnel.

CHAIRMAN O'LEARY:

Let me interrupt you there, Jeff. The •• with respect to that statement, it's been characterized as a •• by Mr. Gatta as an equity adjustment, an adjustment in salaries to bring College administrative personnel on equal basis, if you will, with their counterparts in other counties in the metropolitan area. Would you say that that's an inaccurate statement, that it was not an equity adjustment?

MR. TEMPERA:

You're referring to 764 of 2000.

CHAIRMAN O'LEARY:

I'm referring to the ••

MR. TEMPERA:

Resolution that upgraded ••

CHAIRMAN O'LEARY:

The adjustments that were made of the College officials in '04.

MR. TEMPERA:

I wasn't involved in ••

CHAIRMAN O'LEARY:

But was that not to bring them up to par, if you will, on an equitable basis with their counterparts in other areas of the metropolitan area?

MR. TEMPERA:

I can't tell you what the Legislative thought was behind the resolution.

CHAIRMAN O'LEARY:

All right.

MR. TEMPERA:

I can only read what's in the resolution and it ••

CHAIRMAN O'LEARY:

Would you agree, then, with the ••

MR. TEMPERA:

•• talked about 2004 salary increases.

CHAIRMAN O'LEARY:

Would you agree, then, that they had not received raises since 2000, characterized as raises,

salary increases since ••

MR. TEMPERA:

Not by the resolution. The resolution clearly ••

CHAIRMAN O'LEARY:

They receive ••

MR. TEMPERA:

•• raises their salaries, and that's what it says in Resolution 764 of 2000.

CHAIRMAN O'LEARY:

And what were the percentage increases?

MR. TEMPERA:

And I don't know how you •• how you can characterize ••

CHAIRMAN O'LEARY:

What were the percentage increases in those •• in those years?

MR. TEMPERA:

The percentage increases? I don't know what the percentage increase of the top of my head is for an increase of \$21,346 on a salary in the College, or an increase of \$15,392 on a salary in the College.

CHAIRMAN O'LEARY:

But that's the •• that's the equity adjustment that Mr. Gatta spoke of to bring •• to bring the College officials up to par on an equitable basis with their counterparts in the metropolitan area.

MR. TEMPERA:

Well, I'm sure that you could find close to 500 management employees around this County that would say, "Give me an equity adjustment and upgrade my salary, and, by the way, I would appreciate a percentage increase in salary on top of that."

CHAIRMAN O'LEARY:

All right. Well ••

MR. TEMPERA:

There are requests that come •• that go through all the time to the Salary Appeals Board or requests that go to the Presiding Officer and the County Executive from individuals in management that have requested upgrades. An upgrade is looked at ••

CHAIRMAN O'LEARY:

Well, you know, what we're talking about is really a moot issue, because this Legislature, this body has addressed that issue and saw fit to give those increases to the College officials on that equity basis argument, so ••

MR. TEMPERA:

I understand that. Really, what I'm talking about is retroactivity.

CHAIRMAN O'LEARY:

So, now ••

MR. TEMPERA:

And when I look at it retroactively, there were raises that were given for '04, '05, certainly through August 31st, the College budget year, and thereafter ••

CHAIRMAN O'LEARY:

All right. So, now we ••

MR. TEMPERA:

•• the College is treated the same as everyone else.

CHAIRMAN O'LEARY:

As long as you're focusing on the College and not the base issue, which is step increases ••

MR. TEMPERA:

I'll get to that.

CHAIRMAN O'LEARY:

Oh, good, I'm glad. Your position, then, or the Administration's position on the January 1st, as opposed to September 1st, amendment in my resolution is that they're opposed to that?

MR. TEMPERA:

Just clarify what you're talking about, the September ••

CHAIRMAN O'LEARY:

To make the effective dates of the percentage increases January 1st, rather than September 1st.

MR. TEMPERA:

For the College personnel?

CHAIRMAN O'LEARY:

Yes.

MR. TEMPERA:

The County Exec's resolution had always been September 1, '05, January 1, '06, and January 1 thereafter. That's been in the bill from day one.

CHAIRMAN O'LEARY:

Oh, it just didn't afford them the retro monies back to January 1 of '05.

MR. TEMPERA:

Correct. That's •• therefore, there's no double•dipping, because the College budget and the raises that were granted by the Legislature was through August 31st, College year.

CHAIRMAN O'LEARY:

The equity adjustments.

MR. TEMPERA:

Whatever you'd like to call them, Legislator O'Leary.

CHAIRMAN O'LEARY:

Okay. Does any member of the committee wish to speak on the College issue that Mr. Tempera has brought before us, before he gets into the step issue, which I'm anxious to hear. Any other •• okay.

Let's get to the steps. Not that I want to dignify a recent editorial that appeared in some local paper, but totally, in my mind, totally inaccurate misstatements of fact. And to begin with, by reinstituting step increases, just by the virtue of the word "reinstituting", indicates that it had been done in the past.

MR. TEMPERA:

That is correct.

CHAIRMAN O'LEARY:

Is that accurate.

MR. TEMPERA:

That's absolutely accurate.

CHAIRMAN O'LEARY:

So, this is something that has been done in the past and we're just looking to reinstitute it. And my understanding of the history of this is that it goes go back about 17 years, where the step increases were taken away from exempts?

MR. TEMPERA:

The step increases were removed in the late '80's, somewhere around 19 •• I want to say 1989, thereabouts.

LEG. MYSTAL:

'88, '89.

MR. TEMPERA:

Yeah, 1989.

CHAIRMAN O'LEARY:

Okay. All right.

LEG. MYSTAL:

My County Exec did that.

CHAIRMAN O'LEARY:

Sounds like a •• sounds like a sitting Legislator was impacted by that.

LEG. MYSTAL:

Yes.

CHAIRMAN O'LEARY:

And another thing that was brought out, totally inaccurate, is the perception, as was characterized as bureaucrats or political hacks. You know, I take strong exception to that, and I will, unlike •• I mean, I'll probably respond to that, as much as I would not like to, but I'll probably respond to that recent editorial, because it's so totally inaccurate and misrepresents the true positions of exempts in this County. Is it not a fact that some exempt officials do, in fact, have Civil Service titles?

MR. TEMPERA:

Well, here's where you and I agree, and I agree with George Gatta. I do not like the term "bureaucrat", I don't agree with the term "bureaucrat". You have in the Management Salary Plan permanent Civil Service employees, you've got employees of the Board of Elections who have been there for many years, you've got County Attorneys, you've got District Attorney staff. I don't think that I would refer to the individuals in any of those categories as bureaucrats. Those are professionals doing a job and doing a very good job. There are, obviously, certain positions, whether they be commissioners or deputies, that are included in the Management Salary Plan. The Management Salary Plan is for those individuals who are excluded from a collective bargaining agreement, and are excluded on the basis of the Taylor Law and can't belong to a union. That's how someone winds up in the Management Salary Plan.

CHAIRMAN O'LEARY:

With respect to the Management Salary Plan, is it accurate to state that across the board, each line, the exempts Management Salary Plan is less than the salary plan of the bargaining unit

that covers civilian employees in this County?

MR. TEMPERA:

The salary structure for management is below that of AME, correct.

CHAIRMAN O'LEARY:

It is?

MR. TEMPERA:

Yes, it is.

CHAIRMAN O'LEARY:

Almost to each title, right, throughout the entire plan?

MR. TEMPERA:

It's across the board based on ••

CHAIRMAN O'LEARY:

It's across the board.

MR. TEMPERA:

Based on salary increases that were given to management in the past that did not equal salary increases that were given to AME.

CHAIRMAN O'LEARY:

Is it safe to assume, then, that there's a situation here in this County that management employees have subordinates who are making •• being compensated more than them?

MR. TEMPERA:

Yes, that does occur.

CHAIRMAN O'LEARY:

And what is your position on that, as a Labor Relations Director?

MR. TEMPERA:

Well, as a Labor Relations Director, I'm out there to negotiate the best deal for the County ••

CHAIRMAN O'LEARY:

And I'm sure you do.

MR. TEMPERA:

•• with its unions. The management salary planning is one that's worked out between the Legislative Branch and the Executive Branch.

CHAIRMAN O'LEARY:

I can only compare it with my experiences within the Police Department, there'd be a hue and cry and a raising of voices if the supervisors in the Suffolk County Police Department were making less than their subordinates, I would think; wouldn't you agree with that?

MR. TEMPERA:

When we negotiated against the Superior Officers that's been an argument they brought up each and every time, as when I've negotiated with the Detective's Union, they've had the same cry.

CHAIRMAN O'LEARY:

Absolutely. We go way back, that's for sure. Any other comments that you wish to make with respect to what's before us today?

MR. TEMPERA:

No. And, again, I think the major differences are the steps. I notice that there was an amended resolution that was filed that seemed to adopt all of the provisions of the County Exec's resolution, other than the changes for the steps and the College personnel. The other difference, I will point out, is that with regards to the President's •• President of Suffolk Community College, while the title is included in the resolution, the Legislature is abdicating all oversight with regards to the salary of the President. The Exec's resolution recognized that the President had a negotiated agreement through, I believe it's August 31st, '06. Thereafter, the Legislature •• excuse me. The Legislature and the Exec, as they do with all management titles, would have input into that salary, along with the College.

CHAIRMAN O'LEARY:

Counselor, you wish to comment on that, with respect to the Legislative role and the salary of the President of the College?

MS. KNAPP:

The Legislature has certainly an impact on what the President's salary is, given its control over the amount of County contribution. However, I think that the Board of Trustees of the College has the ability to negotiate with its President under State •• under State Education Law.

MR. TEMPERA:

Well, I think there's a joint role. I would defer to the County Attorney as to the interpretation of Plan C and what the County's role is with that, with the Board of Trustees. But the title is within the Management Salary Plan. Even the amended copy that you filed recognizes that the College President is a member of the Management Salary Plan. It's just that there's no oversight provided with regard to that salary.

CHAIRMAN O'LEARY:

I'd like to go back to the exempt employee issue again. And it's clear, you stated for the record, that the salary plan is •• there's a differential between the salary plan and the •• you know, the Management Salary Plan and for exempts, as opposed to the AME bargaining unit for their employees under the same titles and grades. But let's speak on the benefits package of exempt employees. Do they differ any •• in any way from the benefits package afforded to those represented by a bargaining unit in this County?

MR. TEMPERA:

Yes.

CHAIRMAN O'LEARY:

In what way?

MR. TEMPERA:

The pay•out upon retirement for sick time is at a rate of 90 days paid for 180 days accumulated, where an AME employee would be paid for 180 days paid for 360 days accumulated sick time upon retirement. That's been in the AME contract for years. The one ••

the 90 for one 180 was adjusted through Resolution 655 of 2001. The other adjustment was on vacation time. AME is paid for all vacation time on the books upon termination of employment or leaving employment with the County. Management has a pay•out of up to 60 days. The difference, theoretically, could be 30 days if a •• if an AME employee carried 60 days over into a year and then was at the top earner of 30 days a year and they didn't take a vacation day and they're retired in December, theoretically, they'd have an additional 30 days and could be paid out for 90.

CHAIRMAN O'LEARY:

What about overtime, compensatory time, personal leave days?

MR. TEMPERA:

There is no comp time for anyone in the Management Salary Plan. The difference would be if an AME employee over Grade 24 worked overtime, they're entitled to comp time. That comp time can be converted at the end of the year, 70 hours, to either vacation or sick. Again, there is no overtime for anyone in the Management Salary Plan. What other areas were you asking about?

CHAIRMAN O'LEARY:

Personal leave.

MR. TEMPERA:

Personal leave is exactly the same.

CHAIRMAN O'LEARY:

Oh, so there is something equal.

MR. TEMPERA:

There's many things that are equal and I think you see that in the last RESOLVED clause, or whatever RESOLVED clause there is within the resolution that recognizes that many of the benefits within AME accrue over to the Management Salary Plan •• Management Benefits Package.

CHAIRMAN O'LEARY:

And, of course, there's the job security as well belonging to a bargaining unit and the various

appeals, if you ever go through hearings.

MR. TEMPERA:

There's no •• there's no difference between a ••

CHAIRMAN O'LEARY:

Would exempt employees have •• would exempt employees have the ability to go through 75's and 78 appeals?

MR. TEMPERA:

Oh, absolutely. And, again, I think that's a big misnomer when people look at management. And we've been through several management hearings where positions have been filed for to recognize them as management and take them out of a bargaining unit. There's no change in their Civil Service status. It is simply removing them from coverage under the applicable collective bargaining agreement and placing them into a Management Salary Plan. But whatever Civil Service status someone may have, they would retain that. It's •• people tend to refer to management employees as exempt employees. Exempt is a Civil Service term. Really, what they are is they are excluded, they are excluded from being in a collective bargaining ••

CHAIRMAN O'LEARY:

Are there any exempt employees who do not have Civil Service titles?

MR. TEMPERA:

Oh, absolutely.

CHAIRMAN O'LEARY:

Are they afforded the same benefits through the article 75 and 78 appeal proceedings?

MR. TEMPERA:

No.

CHAIRMAN O'LEARY:

They're not.

MR. TEMPERA:

No. If they don't have permanent status pursuant to Civil Service Law, they wouldn't be entitled to Section 75.

CHAIRMAN O'LEARY:

Do you know what the breakdown of the exempt is as •• with respect to those who have Civil Service status with their titles, as opposed to those who do not?

MR. TEMPERA:

Not off the top of my head, no.

CHAIRMAN O'LEARY:

You would not have that?

MR. TEMPERA:

Not off the top of my head.

CHAIRMAN O'LEARY:

I'm shocked. You have everything else at the top of your head, why don't you have this at the top of your head?

MR. TEMPERA:

If I had known that it was an area of concern to you, I would have gotten the information for you.

CHAIRMAN O'LEARY:

But that information is available?

MR. TEMPERA:

Oh, absolutely.

CHAIRMAN O'LEARY:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Thank you, Legislator O'Leary. I, too, would also just for the record like to say that I take exception to the characterization made recently in an editorial that individuals in these exempt positions are somehow unqualified, references made that they do not have to take •• that they're •• do not have to take exams and somehow are unfit. I didn't like that, and I, too, am considering responding to that editorial. I know that I have a highly qualified, highly educated staff who works very hard.

As I often do, I'll make reference back to my recent experience in the business world, and look at what many private companies have gone through with employee retention, and the problem of putting a large amount of money into training individuals, only to have them taken away by companies who do not invest in that training, but are willing to pay a higher salary. You save a lot of money that way, I'm sure you're aware of that.

MR. TEMPERA:

Absolutely.

LEG. LOSQUADRO:

Suffolk County takes a lot of pride in the amount of training we put into individuals like our Assistant District Attorneys, do we not?

MR. TEMPERA:

Absolutely. And I think that's been addressed, and I don't think anyone here will disagree with you, that the District Attorney's Office ••

LEG. LOSQUADRO:

Well, I think reinstituting the steps will go a long way towards further addressing the problem of employee retention, but you and I may disagree there. Getting individuals up to speed with that type of training does take some time, and the cost savings associated with retraining those employees over a longer period of time is substantial. Instead of having them leave shortly after they, such as, you know, with District Attorneys, if they fulfill a mandated tenure and then leave. That is my position. That is why I feel that reinstituting the steps would actually be beneficial financially to Suffolk County in the long run, because of employee retention rates that I believe would go up as a result.

So, you and I may differ on that, but that is my position based on my experience that I saw, having worked for the largest auto insurer in the nation. Obviously, we were known as the big guys on campus in terms of our training. Many other smaller insurance companies used to headhunt from us and invest absolutely nothing in their training programs. We would invest tens and hundreds of millions of dollars. So, I'm sure you can see where other people are anxious to get these type of employees because of the resources put into them.

MR. TEMPERA:

Well, and I think the Legislature recognized and I think the County Exec recognized that there had been a problem in the District Attorney's Office and included in last year's budget a sum of money to be utilized for that purpose to retain Assistant District Attorneys and individuals from the D.A.'s Office.

I think the rest of your argument presupposes that there's a very high turnover rate within management and I'm not sure that that's the fact. And I think if you go back and look at it, you would find a very low turnover rate in the bottom steps within the management personnel. If there's some information that I'm not aware of ••

LEG. LOSQUADRO:

I was using the District Attorneys as an example in that regard of turnover. In the other cases, I believe it's more a question of attracting qualified candidates, as Mr. Gatta brought to our attention. So, I think it's •• there are several facets to look at with this issue.

The District Attorney's Office, again, I have a bit of personal experience, having a brother who served in the Manhattan District Attorney's Office, and knowing what ADA's can fetch for themselves on the open market upon leaving the District Attorney's Office after gaining many years of valuable experience in the courtroom. As I said, it is my opinion that step •• reinstituting the step increases would go a long way towards alleviating many of these problems, not just retention, but also attracting qualified candidates. You and I may disagree on that, but I want to make my position clear.

MR. TEMPERA:

Yeah. And I don't disagree with you with regards to the District Attorney's Office and attracting personnel. Again, what I will disagree with you is that the steps as a method of recruitment,

because the salary •• Classification and Salary Plan that Suffolk County has already recognizes the fact that you may have to move beyond the entry level salary to attract personnel. Somebody could be hired at any step, whether it be the bottom step or the top step, if there is a recruitment problem, and that simply takes an in•step hiring form to bring someone in at a step other than entry level, and that's what you use for recruitment.

LEG. LOSQUADRO:

But to me that assumes that these individuals aren't very bright and aren't looking towards a long•term financial plan for the rest of their career. Are you trying to tell me that individuals aren't looking at what they'll be making five years after they're hired? Sure.

MR. TEMPERA:

Oh, absolutely not, and I think people realize when they come to the County, they look at a salary, they look at the benefits that they're afforded. The salaries are •• it's not a frozen salary. People •• the salary •• Management Salary Plan, as you see in both resolutions, the County Exec's and Legislator O'Leary's, provide for salary increases on an annual bases. There's a nineteen•twenty•five retro increase in there, there's 3% in '05, '06, '07, '08. So, someone who accepts a salary at an in•step hiring or at entry level, whether they move through the steps or not, they will certainly get salary increases through the •• through the salary plan. So, I believe people make decisions day in and day out as to why they take a job, and salary is just one of the factors, and that factor is •• they do take into account that they do get percentage increases. But the health benefits, the personal time, vacation time, their sick time, all things that someone would take into account, and I believe that all of those factors are looked at when someone accepts a job in the County.

LEG. LOSQUADRO:

Absolutely. And I believe that the step would be an additional factor they would look at, and I believe we would attract even more highly qualified candidates by offering that additional incentive. Thank you.

CHAIRMAN O'LEARY:

Mr. Kennedy.

LEG. KENNEDY:

Jeff, I just wanted to go back to the discussion we were having before about comparing and contrasting positions in the bargaining unit or •• I'm sorry, in the collective bargaining agreement and in 21. The rate of accruals for those members that are in management is different and disparate, and in some cases can be less than were they were in the collective bargaining unit.

MR. TEMPERA:

It cuts both ways. With AME, someone starts off at accruing ten vacation days, and I believe you're referring to the vacation and sick time. Someone starts off accruing in AME, an entry level employee, a first year employee, ten vacation days, and they progress through time up to, I believe if you're here more than 20 years, you're getting 30 days a year, so they're going to accrue bi•weekly a certain number of hours at the end of year, they will have accrued ten vacation days. In management, they accrue on day one in the County 20 days. They get half of them, ten days on January 1, and they get ten days on July 1. So, for an employee with •• and, again, I don't have in front of me the breakdown as to where the break•even point is, they get more time as a management employee early on. The difference in management is capped out at 25 days. If someone is with the County more than ten years, they accrue 25 vacation days. If someone is with the County, a long•term employee under AME, more than 20 years in the County, they could accrue up to 30 days. So, there is that difference of five days at the back end, but I believe it's made up more than enough at the front end with employees. The other difference is sick time. AME employees get 13 sick days per year, management gets 10, again, five on January 1, five on July 1, where AME would accrue the time throughout the year.

LEG. KENNEDY:

Fine, and I agree with you. I'll also go back to the statement you just made, that, in essence, they're probably is very little turnover when you look at management. So, were you to quantify across the board folks sitting in that position, by and large, you'd probably have a larger percentage who are impacted with this. Money and benefits, were they on the other side, they would be taking more in. They would be realizing more for the job that they do. And just, you know, for the purposes of trying to make out the record, I guess it's just another point to go to as far as the disparity goes.

CHAIRMAN O'LEARY:

Mr. Montano.

LEG. MONTANO:

Thank you, Legislator O'Leary. Good morning, Jeff.

MR. TEMPERA:

Good morning.

LEG. MONTANO:

Jeff, I just want to put this in a practical context. I was in the County between '81 and '88. We had step increases at that time. I guess I left and steps were eliminated. It had nothing to do
••

MR. TEMPERA:

So, you're the reason.

LEG. MONTANO:

It had nothing to do with me.

CHAIRMAN O'LEARY:

Is that why you left?

LEG. MONTANO:

No, actually. But, in any event, just so I understand, I have two employees, same title. One comes in at entry level step, the other one comes in at two or three steps higher because they come in with more experience. Three years later they're both doing the same job, they both have a comparable level of competence and experience. How do I adjust those two employees so that they're both making the same level under the present system; is there a way of doing that?

MR. TEMPERA:

There is, and ••

MR. MONTANO:

And how would that be?

MR. TEMPERA:

The rules for the Classification and Salary Plan grant the powers of the Salary and Appeals Board to the Presiding Officer and the County Executive. They double sign off, I think is what it's commonly referred to. So, if you wanted to up•step ••

LEG. MONTANO:

So, I have to go to County Executive to get my employee a step increase?

MR. TEMPERA:

Or you can go to the Presiding Officer, and if the Presiding Officer supports that increase, then he would send a letter over to the County Executive, and if both parties agree, that individual is up•stepped.

CHAIRMAN O'LEARY:

That's the key.

MR. MONTANO:

That's the key.

CHAIRMAN O'LEARY:

If both parties agree.

MR. MONTANO:

Right.

MR. TEMPERA:

Well, that's •• again, that's the rules for the Classification and Salary Plan that are in place.

MR. MONTANO:

Really, isn't that the issue ••

MR. TEMPERA:

And it works the other way, if the County Executive wants to upgrade someone on his staff, he would have to send a letter to the Presiding Officer to request an upgrade, an up•stepping of that individual to the Presiding Officer.

MR. MONTANO:

I'm sure that's not happening. But, with respect to the 3% increase •• so, what I'm telling my employee who's making less is that not to worry because you're getting a 3% increase every year, along with your coworker, but in reality, the 3% that the employee who's paying •• who's getting paid less is a 3% of their base pay, so, in reality, are locked in lower, even on the 3% increase. So, they're never going to come to parity, they're always moving in the same ladder. Wouldn't the step increase at least allow at some ultimate stage the employees to be making the same salary with the same •• doing the same duties and performing at an equal level, if they're, in fact, doing that, and, you know, equalizing the pay at some point?

MR. TEMPERA:

Well, obviously, all ••

LEG. MONTANO:

I mean, isn't that what we're looking to do here?

MR. TEMPERA:

Well, all salary plans top out at a certain point ••

MR. MONTANO:

And how long does it ••

MR. TEMPERA:

•• and that's what a step system ••

MR. MONTANO:

Right.

MR. TEMPERA:

That's what a step system does. Ultimately, down the road, it looks at topping out the salaries.

LEG. MONTANO:

And how long does it take for the •• if someone comes in at an entry level, how long does it

take to top out?

MR. TEMPERA:

We've got a •• I believe it's a seven•step system, Step 4 through Step 11.

LEG. MONTANO:

So, it takes seven years.

LEG. LOSQUADRO:

No, because you're not ••

MS. KNAPP:

Yeah. If you had •• if you had steps.

MS. VIZZINI:

10A ••

MR. TEMPERA:

10A? Oh, I'm sorry. You've got 10A, so ••

MR. MONTANO:

If we had steps, it would take 7 years.

MR. TEMPERA:

If there was a step system, someone would progress from Step 4 through Step 11 with 10A, correct. So, you're talking 8, 8 years to progress to top step.

MR. MONTANO:

All right. It's an eight•year plan, it's not something that happens overnight. Thank you.

LEG. LOSQUADRO:

With steps, not without.

LEG. MONTANO:

With steps.

MS. KNAPP:

Now there's no way.

MR. MONTANO:

Now there's no way of equalizing. Now, you're forever locked in at the lower salary.

MR. TEMPERA:

Other than the double •• double sign•off first.

MR. MONTANO:

Other than the Presiding Officer and the County Executive jointly signing off on a pay increase for my employee.

MR. TEMPERA:

Correct.

MR. MONTANO:

Thank you.

CHAIRMAN O'LEARY:

Mr. Mystal, who's been victimized by this process, as he will tell you very shortly.

LEG. MYSTAL:

Yeah. I'm going to try to move from the conceptual and the abstract into real life. As you know, I was an employee before, an exempt employee. But more than that, I have a woman in my office who's my secretary that just •• we just passed a bill and moved her from union to exempt, and she's about to cut my throat right now, because she's saying, "Excuse me, where's my raise?" And I'm saying, "Well, you're not going to get it, because you don't have any step," blah, blah, blah. She said, "Well, I had step before and now you've made me an exempt and I'm losing money."

The mechanism that you propose to upgrade an exempt employee deals with party politics into the Presiding Officer and County Executive. I've been through it, I've seen it at work, and it

doesn't work. And more important to me is a question of fairness. I'm not talking about in terms of recruitment or retaining employee, or all those abstract concepts that you have, you can throw them out a window for me, it's a question of fairness. If two people are working for the County and they are doing essentially the same job, why is that one group, because they can benefit from a union contract, has certain mechanism as a ladder to move up into the system and the other person has to depend on the whims and craziness of party politics? It doesn't make sense.

MR. TEMPERA:

Well, again, I can only go back to 659 of 88, which ••

LEG. MYSTAL:

Yeah. But ••

MR. TEMPERA:

I'm sorry.

LEG. MYSTAL:

659 of 88 was introduced because the County was in serious financial trouble, and at the time that it was passed, it was supposed to be, supposed to be a temporary step. I remember it, I was here. It was supposed to be a temporary step, because, at the same time, they took two weeks of my pay, which they kept, which I've never seen yet, and I won't see until I die, and it was temporary. But, as with government, it became a permanent thing and it was never corrected. I am very, very happy, and I tell you my staff right now will vote for O'Leary, even though they hate his guts. They'll vote for him because of this bill.

CHAIRMAN O'LEARY:

You hate my guts, Elie?

LEG. MYSTAL:

It's not me, my staff does.

CHAIRMAN O'LEARY:

Oh.

MR. MONTANO:

My staff likes you, Pete.

LEG. MYSTAL:

But, see, I think it's a question of simple fairness. It's fair •• being fair to your employee, being fair to the people who work for you. And I'm not going to address the newspaper thing, because anybody who works in government, that newspaper calls all of us hacks, anyway, we're hacks, doesn't make any difference. So, to me, we have to be fair to the people who put •• who really •• they really do the work. You know, they really do the work, and I think the County Executive should reconsider what he's doing.

MR. TEMPERA:

With regards to your specific staff person, I assume what you're describing is they switched positions, they took a promotion?

LEG. MYSTAL:

No, no. She was a secretary. She's my secretary and she was in AME. All the secretaries were in AME. And this year, we passed a bill to move them from AME to exempt.

CHAIRMAN O'LEARY:

As Legislative Aides, from secretary to Legislative Aides.

MR. TEMPERA:

Okay.

LEG. MYSTAL:

So, now she's losing money.

MR. TEMPERA:

Well, in effect, she made a choice to accept a different position.

LEG. MYSTAL:

No, she didn't make that choice.

MR. TEMPERA:

Well, then you made a choice for her, I guess.

LEG. MYSTAL:

Okay.

CHAIRMAN O'LEARY:

Exempts don't make choices, that's the problem.

LEG. MYSTAL:

I'm done.

CHAIRMAN O'LEARY:

All right. Thank you, Mr. Mystal. The •• any other questions from the committee? In closing I just want to state that, you know, it's on the record, and I appreciate you coming here today to place on the record a little bit of the history of the exempt employee situation. And I think it's very obvious to those of us on the committee that there's a disparity, not only in the salary plan, but the benefits package, as well as other matters.

And not to go back to the College situation, where they addressed an equity adjustment, I don't think this is •• this is not an equity situation, because we're not make exempt, or attempting to make exempt employees on an equal basis with their counterparts in the collective bargaining unit. What we think we're doing here is more fair than it is equitable. It's something that, in my mind, has been going on much too long, 17 years or so, without the step increases, and as Legislator Mystal indicated, it's more a question of fairness and what's right, righting a wrong, if you will, obvious discriminatory action on the part of this Legislative body against the exempt employees in this County and we're looking to right that wrong.

So, unless you have any other further closing statements to make,

Mr. Tempera, our position, again, I just want to reiterate, it's a question of fairness, not one of equity, because this initiative doesn't place exempt employees on an equal basis with their counterparts, their fellow County employees, it just does something that is fair and necessary.

MR. TEMPERA:

And, you know, we can respectfully disagree as to how to do that. I don't think anyone in the

Exec's Office or anyone in the Legislature would disagree with you, that the management employees should be treated fairly. I guess the difference is what we view as equity and fairness and what you view as equity and fairness, and I think both of us have made our positions very well known. Thank you.

LEG. O'LEARY:

Thank you. Is there anyone in the audience that wishes to come up and speak on a particular resolution before we get to the agenda? Chief Moore. You have three minutes, as well.

CHIEF MOORE:

Thank you, Mr. Chair. I'm here to discuss Intro Resolution Number 1349, and this has to do with a field office in Huntington Village. The Police Commissioner asked me to tell you how much he appreciates Mr. Binder's interest in this public safety matter. However, the Police Department cannot support this resolution. But the Police Commissioner thought it would be important for me to explain why the Police Department doesn't support this resolution. To begin, there was a satellite station or a field office, if you will, down in Huntington Village in the early to mid '90s. The reason that there was a satellite station was because at the time the Police Department was doing renovations to the Second Precinct. So the Second Precinct building was closed, and there was no police building in the Town of Huntington. The service area for Huntington was moved into Babylon. That necessitated a physical plan for the Huntington area, and that is why we had the field office.

Shortly after the Second Precinct was reopened and dedicated, the field office fell into disuse and ultimately was closed. The Police Department at the time, the prior administration, never saw a need for, nor did it ever make a commitment to staff that field office, nor any other field office or satellite station. This administration has continued that policy. However, there are other reasons as well. As you know, the Police Commissioner and the County Exec have •• and as well as our friends on the Public Safety Committee, have really made great strides in taking police officers from behind desks and putting them in the field. We've done this on a permanent basis through civilianization, and we've done it on a temporary basis by, oh, moving training programs to more appropriate times during the year so that training officers could be put into the field.

And as a result, we've been able •• this year, we are anticipating in excess of 6000 staff hours

that we will have available for patrol throughout the police district. That was not available in prior years as a result of these initiatives. We feel that this type of post is •• really runs counter to that, it in fact, takes police officers off the street and puts them back behind the desk.

And lastly, Legislator Binder makes a comment in the resolution in which he says a police field office located in Huntington Village would provide the maximum benefits to an area in need of police presence in a cost effective manner. Well, unfortunately, no police theorists in the United States agrees with that statement. As a matter of fact, police theorists, such as _Inanone_ , the individual who wrote the book "Police Supervision", which is a Bible, if you will, for police managers studying for promotion, Robert _Kelling_ who is credited with being the founding author of the Broken Windows Theory, the guiding principle for community policing, which as you know, Suffolk County is very much involved in. Individuals like that maintain that a fixed post •• now, a fixed post, we're not talking, of course, about a sector car or foot patrol or bicycle patrol, fixed posts are things, oh, for example, desk jobs or a post during temporary assignments, for example, a parade or the Huntington Fall Festival. Those are fixed posts.

They agree that fixed posts are the least cost effective of any deployment pattern that police can pursue. So, for those reasons, the Police Commissioner asked me to advise you that the Police Department just cannot support this resolution. Thank you.

CHAIRMAN O'LEARY:

Duly noted. Any questions? Thank you, Chief. Is there anyone else who wishes to come up before we go to agenda? Okay. We'll go to the agenda now. Lynne, are we going into Executive Session for any reason today?

MS. BIZZARRO:

Yes.

CHAIRMAN O'LEARY:

We are? Okay. So I better move along with this. Okay we have the agenda before us now.

IR 2085, a Charter Law to transfer the print shop from County Department of Human Resources, Civil Service and personnel to County Department of Public Works. I make a motion to table, second by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed?

LEG. MONTANO:

Opposed.

LEG. MYSTAL:

Opposed.

CHAIRMAN O'LEARY:

One opposed.

LEG. MYSTAL:

Two.

CHAIRMAN O'LEARY:

Two opposed, 3•2, the tabling motion passes. **TABLED. (VOTE:3•2•0•0).**

(Opposed: Legis Montano and Mystal).

1108, a Local Law to extend and further strengthen the reporting for the Anti •Nepotism Statute. I make a motion to table, seconded by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1108 is **TABLED. (VOTE:5•0•0•0)**

1283, a Local Law amending Article II of the Suffolk County Administrative Code to provide for a two year term of the Presiding Officer. On the request of the sponsor, we'll be tabling this motion. On my request, motion to table, seconded by Legislator Losquadro. On the question of the motion? All those in favor? Opposed? Abstentions? 1283 is **TABLED. (VOTE:5•0•0•0)**

1349, Directing the Director of Real Estate to locate property and re•establish police department fields office in Huntington Village.

Motion to approve by Legislator Kennedy, seconded by Legislator Losquadro. On the question of the motion?

LEG. MYSTAL:

I'll oppose.

MS. BIZZARRO:

Excuse me. Can I make a comment, please?

LEG. MONTANO:

Is that 1349?

CHAIRMAN O'LEARY:

Did you want to speak on 1349?

MS. BIZZARRO:

Could I?

CHAIRMAN O'LEARY:

I had asked if anyone in the audience wished to speak on anything before us today.

MS. BIZZARRO:

I'm sorry. I usually do it on consideration. I have a few matters that I wanted to speak on. I just wanted to bring to the attention of the committee that this first needs to be approved under our Administrative Code, the Space Management Steering Committee has to approve it. I don't know that it has or has not been approved yet. My understanding, it has not been approved yet.

CHAIRMAN O'LEARY:

Are you speaking on 1349?

MS. BIZZARRO:

Thirteen forty•nine, right.

CHAIRMAN O'LEARY:

Anything else?

MS. BIZZARRO:

Yes, I have a few, actually. I can take a seat.

CHAIRMAN O'LEARY:

Why don't you sit there, and when the resolution comes up, you can speak. This will save some time. I'm a little bit pressed for time now because of the discussion on the exempt bills. All right. There's a motion to table, which preempts the motion to approve. On the motion to table by Legislator Montano, seconded by Legislator Mystal. All in favor? Opposed? Three opposed. Motion to table fails. I'll make a motion to approve, seconded by Legislator Losquadro on 1349. On the question of the motion to approve? Hearing none, all those in favor? Opposed?

LEG. MONTANO:

Opposed.

LEG. MYSTAL:

Opposed.

CHAIRMAN O'LEARY:

Motion passes three to two. Thirteen forty•nine is **approved. (VOTE:3•2•0•0) (Opposed: Legis Montano and Mystal).**

1357, to protect Suffolk County Employees from identity theft.

I have a request from the sponsor to table this motion. Motion to table, seconded by Legislator Kennedy. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1357 is **TABLED. (VOTE:5•0•0•0).**

1613, authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Huntington, pursuant to Section 40•D of the Suffolk County Tax Act.

Do we have Patricia Zielenski here or a member from Real Estate?

LEG. LOSQUADRO:

She was here.

LEG. MYSTAL:

She's here.

CHAIRMAN O'LEARY:

All right, Pat.

MS. BIZZARRO:

The Law Department had looked at this resolution, and we concluded now that it's okay to go. I know that we had made a representation last time to table it.

CHAIRMAN O'LEARY:

Okay. So, know there's a •• 1613, I'll make a motion to approve, seconded by Legislator Kennedy. On the question of the motion to approve and place it on the Consent Calender. Motion to approve and place on the Consent Calender by myself, seconded by Legislator Kennedy. On the question? Hearing none, all in favor? Opposed? Abstentions. **1613 is APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1634, requesting legislative approval of a contract award for brokerage services for the procurement of HMO reinsurance for the Department of Health Services, Suffolk Health Plan. I make a motion to table, second by Legislator Losquadro. On the question on the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1634 is continued **tabled. (VOTE:5•0•0•0)**.

1651, Authorizing the sale of County•owned real estate pursuant to Section 215, New York State County Law to Thomas and Marie Doroski. Pat, you want to comment on this or ••

MS. ZIELENSKI:

As far as I know, it's still undocumented and unsubstantiated.

CHAIRMAN O'LEARY:

Yeah, it is. Is there a problem with this not complying with the 215?

MS. ZIELENSKI:

Yes.

CHAIRMAN O'LEARY:

Okay. I'll make a motion to table, seconded by Legislator Montano. On the question of the motion to table, all those in favor? Opposed? Abstentions? 1671 is **tabled. (VOTE:5•0•0•0•0)**.

1721, authorizing certain technical corrections to Resolution No. 522•2005. This just changes the naming of an organization from a Coventry Outreach Inc. to Coventry Outreach Center of Brentwood Inc. Motion to approve by Legislator Montano, seconded by myself and place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1721 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0•0)**.

1726, adopting Local Law No • 2005, a local law to expand and clarify the anti •nepotism provisions of the Suffolk County Code. We had a public hearing that was closed today. I just want to comment on this. This is an amendment to the existing law where I, as the sponsor of this particular resolution, I clarify those particular positions in the County that would be applicable to this Anti•Nepotism provision. In addition to that, I had proposed taking out the language of rank above police officer and changed it to above the rank of Captain, I believe. Is that the language, above the rank of Captain?

MS. KNAPP:

I believe it is.

CHAIRMAN O'LEARY:

Captain and above.

LEG. LOSQUADRO:

Right.

CHAIRMAN O'LEARY:

Is that what it is? All right?

LEG. MYSTAL:

To the sponsor, what is the difference between this one and 1108?

CHAIRMAN O'LEARY:

Where's 1108?

LEG. MYSTAL:

Right on top, tabled resolutions.

CHAIRMAN O'LEARY:

Oh, 1108 is strengthening the reporting procedures for individuals that are working in various County organizations.

LEG. MYSTAL:

Does yours have the same kind of ••

CHAIRMAN O'LEARY:

No. No, I don't address that at all. Any other questions on 1726?

MR. ZWIRN:

Mr. Chairman, when you're ready, I just have one comment from the County Exec.

CHAIRMAN O'LEARY:

On 1726?

MR. ZWIRN:

Yeah.

CHAIRMAN O'LEARY:

Any questions of the committee on 1726 that's before us? Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Chairman. The County Executive has asked me just to come out and state he's not in favor of this bill, because any bill that cuts back on the Anti•Nepotism Statute, the perception with the public, he thinks, would be the wrong one. No matter how well intentioned

the bill is, he says that the message that would go out there is that Suffolk County has a very strong Anti•Nepotism provision and anything cutting back on that would just send the wrong message to the public. And the fact there are just a few every year where we have to come before •• you know, the Legislature has to deal with this on a very rare basis over the period of a year. Only about a handful a cases.

CHAIRMAN O'LEARY:

Well, actually the true effect of this proposal is delineating the positions throughout the County in particularly with the Police Department. I mean, having not personally experienced, but gone through the process when I was with the Police Department, I thought it ludicrous and ridiculous to have someone being considered for a promotion, if you will, to the rank of Deputy Inspector or above who has a brother•in•law who's a Sergeant or a Detective and have that hold up the process. Clearly, those ranks below Captain are not in the policy making decision and have no •• no input, if any at all, with respect to promotions within the Police Department.

So what I'm looking to do is just to expedite the process to a certain extent with respect to promotions that the department can make and more clearly delineating the titles within the provision of either elected officials or other highly appointed officials; department heads, etcetera, Chief Deputy County Executives as well, I don't know if Deputy County Executives are in that category.

MR. ZWIRN:

I'm putting a face on political hack.

CHAIRMAN O'LEARY:

You're not a bureaucrat?

MR. ZWIRN:

I'm not a bureaucrat.

CHAIRMAN O'LEARY:

You don't consider yourself a bureaucrat.

MR. ZWIRN:

Bureaucrat is above and political hacks are not.

CHAIRMAN O'LEARY:

I think I'd rather with a bureaucrat than a political hack.

MR. ZWIRN:

Probably so.

CHAIRMAN O'LEARY:

So you're a bureaucrat. Any other statements, Mr. Zwirn, with respect to it? Where are we? Yeah. We closed the public hearing. I'm make a motion to approve 1726, seconded by Legislator Losquadro. On the question on the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1726 is **APPROVED. (VOTE:5•0•0•0)**.

1729, authorizing certain technical corrections to Adopted Resolution No. 141•2005.

It's changing the name of the agency. I make a motion to approve and place on the Consent Calendar by myself, seconded by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1729 is **approved. (VOTE:5•0•0•0)**.

1743, Transferring a right of reverter to the Town of East Hampton. Yes. I know you want to speak on this.

MS. BIZZARRO:

Yes. I just want to alert the committee. I just think there's a cleaner way to do this transaction. Section 1955•5 Real Property Actions and Proceeding Law, I believe makes this a problem. I've been dealing with Mea Knapp's Office, Ian Barry and I have been going back and forth on it. I am not convinced that this is the way to go. He's made some good points regarding what he wants to do here. I believe what we're trying to accomplish here is to extinguish a reverter clause, and this is not the way to go about it. I think the cleaner way is to just transfer the property back to the County, have the County transfer it clean. I think in light of this statute, a title company is going to have a big problem with it, and no one is going to ever have a true clean title. There may be a quiet title action down the road. I see it as just being •• just not a clean way to do. So I recommend that you not approve this or just at least table it, maybe we can work it.

CHAIRMAN O'LEARY:

But there are no legal sanctions that are being •• I mean, it's not illegal.

LEG. LINDSAY:

It looks to me under 1995•5 of Real Property Tax •• I'm sorry, Real Property Actions and Proceedings Law, you cannot do this. The cases that come under that section •• you know, without going through the fine points, are coming from a grantees perspective as opposed grantors perspective. You wouldn't be litigating this issue where a grantor would want to voluntarily get rid of the reverter clause anyway. So you're not going to find any case law really out there. But reading the statute on its face, it's clearly prohibitive that you cannot remove the reverter clause as long as it states that the property would be for public use. And that's what this states. So, this is just not the way to go about it. And I see that 1955•5 is an impediment to it.

CHAIRMAN O'LEARY:

Mr. Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chairman. Counselor, I was just going to ask you to try to explain a little bit further if the reverter is in the conveyance and the grantor took, you know, with full knowledge, I don't understand why they can't voluntarily go ahead. You know, there's consent here and the resolution ought to be able to go ahead and have the extinguished.

MS. BIZZARRO:

If it weren't for 1955•5, which just clearly states ••

LEG. KENNEDY:

States what?

MS. BIZZARRO:

Let me get the statute.

LEG. KENNEDY:

You don't to read the statute to me, but I mean, if you can just give me in the essence, I'm fairly familiar with Real PAPL, but what does 55 say?

MS. BIZZARRO:

Modification or extinguishment of certain restrictions on the use of land held of certain purposes. And it states when land is held for public or religious purposes, it goes through how you have to go through court to get it removed. However, it says subject to Section 5, Section 5 basically says if it reverts to •• if it specifically talks to a right of reverter regarding a •• excuse me, a governmental unit, you cannot do it. So you can't even go to court to do this, the way I read 1955•5. And I think a title company is going to agree with that, and you're going to have a lot of trouble down the road with this problem. I don't think you're going to be transferring clean title. I just know there's a cleaner way to do that.

LEG. KENNEDY:

First of all, what I'm going to say to you is, is title companies are basically in the basis of insurance, which is zero risk. So I don't always agree with what a title company will or will not say. A title company, Counsel, is always going to say we don't want to see any element of risk whatsoever. That doesn't necessarily mean that what's being attempted to do is not legal. That is an insurance question, which is not the same as the legality issues. As to the legal, though, I'm thing I'm going to go ahead and defer to Counsel.

MS. KNAPP:

We do disagree on this. I do think that the County as the grantor of the right of reverter can, in fact, choose to rescind that right of reverter. However, you know, I will defer also to the sponsor of the bill, if he wishes me to redraft it in a different way, we could do that. I don't •• we don't agree on the law, though, clearly.

CHAIRMAN O'LEARY:

Okay. Based on the statements given here today, let's •• I'll speak to the sponsor regarding what's been raised by the County Attorney's Office and I'll make a motion to table, seconded by Legislator Montano. On the question on the motion to table 1743? Hearing none, all those in favor? Opposed? Abstentions? 1743 is **tabled. (VOTE:5•0•0•0)**.

1744, sale of County•owned real estate pursuant to Local Law 13•1976 Joseph T. Southard and Carole Southard, his wife (0200•055.00•03.00•063.000).

LEG. LOSQUADRO:

Motion.

MS. ZIELENSKI:

This is a direct sale ••

CHAIRMAN O'LEARY:

Direct sale.

MS. ZIELENSKI:

•• to an adjoining owner. The appraisal was 3600, and we're selling it for \$5000.

CHAIRMAN O'LEARY:

All right. There's a motion to approve by Legislator Losquadro, seconded by myself and to place on the Consent Calender, 1744. On the question? Hearing none, all those in favor? Opposed? Abstentions? 1744 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1745, sale of County•owned real estate pursuant to Local Law 13•1976 Naxxarr Realty Corp. (0100•053.00•02.00•093.000). Same motion, same second to place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1745 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1754, authorizing certain technical corrections to Resolution No. 370•2005. Motion by myself to approve, seconded by Legislator Kennedy to place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1754 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)**.

1755, authorizing the sale of County•owned real property pursuant to Section 72•H of the General Municipal Law to the Town of Islip for affordable housing purposes. (SCTM No. 0500•224.00•01.00•014.006). Motion to approve by Legislator Montano, seconded by myself. On the question of the motion to approve and place on the Consent

Calender. Hearing none, all those in favor? Opposed? Abstentions? 1755 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0)** approved.

1756, authorizing the sale of County•owned real property pursuant to Section 72•H of the General Municipal Law to the Town of Islip for affordable housing purposes. (SCTM No. 0500•140.00•04.00•017.000). Same motion, same second, place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1756 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0).**

1758, sale of County•owned real estate pursuant to Section 72•H of the General Municipal Law (Town of Brookhaven)(0200•175.00•02.00•015.009). This is not for affordable housing purposes, I assume.

MS. ZIELENSKI:

This is for drainage recharge basin.

CHAIRMAN O'LEARY:

Drainage purposes. There's a motion by Legislator Montano, seconded by myself to approve and place on the Consent Calender. On the question of the motion to approve and place on the Consent Calender. Hearing none, all those in favor? Opposed? Abstentions? 1758 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:5•0•0•0).**

1775, authorizing referral and public hearings for acceptance and adoption of the official map of Suffolk County. Have we scheduled a public hearing on this, or do we have to have a public hearing on this?

MS. SULLIVAN:

I'd have to go find out. I don't know.

CHAIRMAN O'LEARY:

I guess we do. Has a public hearing been scheduled?

MR. ZWIRN:

I think you're authorizing it.

MS. KNAPP:

The Clerk has to schedule the public hearing.

CHAIRMAN O'LEARY:

All right. So 1775, I'll make a motion to table, second by Legislator Kennedy. Oh, I'm sorry. Motion to approve •• we're approving. Motion to approve by myself, seconded by Legislator Kennedy. On the question on the motion to approve 1775, and I believe I can place this on the Consent Calendar, can I not?

MS. SULLIVAN:

No.

CHAIRMAN O'LEARY:

I can't?

MS. SULLIVAN:

For a public hearing to be set?

CHAIRMAN O'LEARY:

Okay. All right.

MS. SULLIVAN:

Mea?

MS. KNAPP:

This is •• this one is purely administrative in nature, but because it begins the process that is a fairly important process in County Government, I would prefer that this would not go on the Consent Calendar just because it is an important process.

LEG. MONTANO:

What is this?

LEG. MYSTAL:

1775.

MS. KNAPP:

It's the beginning of the official map.

CHAIRMAN O'LEARY:

Can we place 1775 on the Consent Calender, yes or no?

MS. KNAPP:

No.

CHAIRMAN O'LEARY:

Okay. Motion to approve 1775 by myself, seconded by Legislator Kennedy. On the question of the motion to approve, all those in favor? Opposed? Abstentions? 1775 is **APPROVED (VOTE:5•0•0•0)**.

1777, adopting Local Law No. 2005, a Charter Law to prohibit campaign contributions from contractors doing business with the County of Suffolk. I make a motion to table, seconded by Legislator Montano. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1777 is **tabled. (VOTE:5•0•0•0)**.

1778, adopting salary plans for employees who are excluded from Bargaining Units. I'm going to ask the committee to table this. I have been talking to the BRO, and I'm interested in receiving more specific data concerning the amount of exempt employees, those who are at top step, and those who are not at top step. So until I receive that'll report further clarifying the situation involving exempt employees, I'll ask the committee to table this. Motion to table by myself, seconded by Legislator Kennedy. On the question of the motion to table 1778? Hearing none, all those in favor? Opposed? Abstentions? 1778 is **TABLED. (VOTE:5•0•0•0)**.

1780, authorizing the lease of premises located at 3243 Route 112 Medford, NY for use by the Department of Health Services. This is the old town hall on 112, looking to lease 3000 square feet for use by the Department of Health Services. According to my notes the provision is for 62,250 for the first year with 3% yearly increases for a ten year lease.

Who's looking?

MR. ZWIRN:

Can we have this tabled? Can we request that this be tabled for a cycle?

CHAIRMAN O'LEARY:

Counsel informs me it does not have a disclosure form, so you're looking to table.

MR. ZWIRN:

We're looking to table it. This lease may not even be necessary. We may be able to find space for the purpose that this was originally intended, and we may be able not ••

CHAIRMAN O'LEARY:

Good. At the request of the County Executive's representative ••

MR. ZWIRN:

Yes.

CHAIRMAN O'LEARY:

•• I'll make a motion to table, seconded by Legislator Montano. On the question of the motion to table 1780? Hearing none, all in favor? Opposed? Abstentions? 1780 is **TABLED. (VOTE:5 •0•0•0)**.

1781, authorizing, ratifying and adopting the acquisition of land in the Open Space Preservation Program, the "Old" Drinking Water Protection Program (EFF 11/30/00, the "New" Drinking Water Protection Program (EFF 12/01/00), and the Multifaceted Land Preservation Program known as part of Maple Swamp, near Sears Bellows County Park, Town of Southampton, Suffolk County, New York (John and Themistocles Kalminios). What is this about.

MS. ZIELENSKI:

This is the ••

LEG. MYSTAL:

Long.

MS. ZIELENSKI:

Yeah, the long process. This is the end of Guenevere Fiefdom, the ability to pay them for the court ordered judgment.

CHAIRMAN O'LEARY:

Is this the CN that was presented to us at the last General?

MS. BIZZARRO:

Yes.

CHAIRMAN O'LEARY:

What's the numbers? What's the acquisition numbers for this particular •• I understand it's millions of dollars, correct?

MS. ZIELENSKI:

Yes.

MS. BIZZARRO:

It's about 6.689.

MS. ZIELENSKI:

Yeah, but three million of that we have already paid them.

MS. BIZZARRO:

No. No, that's not including the three million.

MS. ZIELENSKI:

And the interest.

MS. BIZZARRO:

Correct.

CHAIRMAN O'LEARY:

It's ten million •• it's about \$10 million?

MS. BIZZARRO:

It's about nine.

CHAIRMAN O'LEARY:

Nine and change for how many acres?

MR. ISLES:

Two hundred and seventy•one, approximately.

CHAIRMAN O'LEARY:

Two seventy•one?

LEG. MYSTAL:

This has nothing to do with affordable housing, does it?

MR. ISLES:

No, it does not.

LEG. MYSTAL:

It's just open.

MR. ISLES:

This was an acquisition completed by the County in January of 1992 through Eminent Domain, and this has been •• the process has been litigated since that time. This is the conclusion of that process and the settlement of the matter.

CHAIRMAN O'LEARY:

All right. So is it your position that you want this thing moved forward for purposes of

approval?

MR. ISLES:

Yes, it is.

CHAIRMAN O'LEARY:

Good. I'll make a motion to approve, seconded by Legislator Kennedy. On the question of the motion to approve 1781? Hearing none, all those in favor? Opposed? Abstentions? 1781 is **approved. (VOTE:5•0•0•0).**

1783, adopting salary plans for employees who are excluded from Bargaining Units.

Adopting this is the County Executive's version. I'll make a motion to table, seconded by Legislator Kennedy. On the question of the motion to table. Hearing none, all those in favor? Opposed? Abstentions? 1783 is **TABLED. (VOTE:5•0•0•0).**

Tabled Sense Resolution. **Sense 37, Sense of the Legislature resolution requesting State of New York to repeal the requirement that two years elapse from the filing of a subdivision map before the map can be abandoned.** I still don't understand what the intent of this is. Can you shed some light on this, Ms. Zielenski?

MS. ZIELENSKI:

Shaking head no No.

LEG. MYSTAL:

This is a sense, who cares?

CHAIRMAN O'LEARY:

It's a sense that makes no sense in my mind.

LEG. KENNEDY:

Mr. Chairman.

LEG. LOSQUADRO:

Motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Losquadro, seconded by myself. On the question of the motion to table? All those in favor? Opposed? Abstentions? Sense 37 is **tabled. (VOTE:5•0•0•0).**

I understand we have an Executive Session to go into. I'll recess for purposes of going into Executive Session and be back very shortly for purposes of adjourning Ways and Means. Thank you all. Oh, I'm sorry. Can I have the attention of the committee, please. Before we go into Executive Session.

LEG. MYSTAL:

Right here.

CHAIRMAN O'LEARY:

I have a request of the sponsor regarding 1743, asking us to discharge without recommendation. That's the reverter issue. Yeah. The sponsor would like to have this on the floor, out of committee. I understand. That's why we have majorities and minorities.

LEG. MYSTAL:

Are you calling me a minority?

LEG. MONTANO:

Yeah, essentially.

CHAIRMAN O'LEARY:

I don't mean it that way, it's just a makeup.

LEG. MYSTAL:

I was going to play the race card here.

CHAIRMAN O'LEARY:

No, we're not going to play the race card here. There's a motion to reconsider 1743 by myself, seconded by Legislator Losquadro. On the question of the motion to reconsider. All in favor? Opposed? Abstentions?

LEG. MONTANO:

Opposed.

LEG. MYSTAL:

Opposed.

CHAIRMAN O'LEARY:

Two opposed. 1743 is reconsidered. Motion to discharge without recommendation by myself, 1743 is before us, seconded by Legislator Kennedy. On the question of the motion to discharge without recommendation? Hearing none, all those in favor? Opposed? Abstentions?

LEG. MONTANO:

Opposed.

LEG. MYSTAL:

Opposed.

LEG. O'LEARY:

Three•two. 1743 is **discharged without recommendation.** Thank you. We'll go into Executive Session.

(* AN EXECUTIVE SESSION WAS HELD FROM 11:18 A.M. UNTIL 11:25 A.M.*).

(* THE MEETING WAS ADJOURNED AT 11:25 A.M.*)

_ _ **DENOTES BEING SPELLED PHONETICALLY**